IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(*Election Jurisdiction*)

2026/HP/EP/030

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT ACT) NO. 2 OF 2016 OF THE LAWS OF ZAMBIA

IN THE MATTER OF: SECTIONS 72, 92, 96, 97, 98, 99 AND 100 (2) (a) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAW OF ZAMBIA

IN THE MATTER OF: PART III OF THE HIGH COURT (ELECTION PETITION) RULES 2026 OF THE LAWS OF ZAMBIA

IN THE MATTER OF: AN ELECTION PETITION RELATING TO BANGWEULU CONSTITUENCY PARLIAMENTARY ELECTIONS HELD ON THURSDAY, 13TH AUGUST, 2026

BETWEEN:

REUBEN CHAMA (MALE) — PETITIONER

AND

HAPPY MAMPA (MALE) — 1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT



SUMMONS FOR AN ORDER FOR DETERMINATION OF QUESTION ON A POINT OF LAW PURSUANT TO SECTION 13 OF THE HIGH COURT RULES, RULE 14(1)(B), (2), (3), 17(1) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026, ORDER 14A OF THE RULES OF THE SUPREME COURT OF ENGLAND (WHITEBOOK) 1999 EDITION AS READ TOGETHER WITH THE INHERENT JURISDICTION OF THE COURT

LET THE PARTY concerned attend before the Honourable Justice _____ in Chambers on the _____ day of _____ 2026 at _____ hours in the _____ noon on the hearing of an application on the part of the 1st Respondents to for an order for determination of question on a point of law on the grounds set out below and those set out in the Affidavit in support hereof:

1. Whether this Honourable Court has jurisdiction to hear and determine this election petition where the petition was presented after the expiry of the mandatory fourteen-day period prescribed by Section 100(3) of the Electoral Process Act No. 35 of 2016; and
2. Whether Rule 24 of the High Court (Election Petition) Rules, 2026, read together with Section 22 of the Electoral Commission of Zambia Act, 2016, insofar as it permits the Electoral Commission of Zambia ("ECZ") to be cited as a respondent in an election petition, is ultra vires the Constitution

and, if so, whether the ECZ may nevertheless properly be cited and sued in its own name as the 2nd Respondent herein.

AND THAT the costs of and incidental to this application be awarded to the 1st Respondent.

Dated at Lusaka this _____day of_____2026

Per: _____

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P.O. Box 51140
Lusaka, Zambia
CO-ADVOCATES FOR THE 1ST RESPONDENT

AND

Per: _____

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ADVOCATES FOR THE 1ST RESPONDENT

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REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
14 SEP 2026
PRINCIPAL REGISTRY 4
P.O. BOX 50067, LUSAKA

LIST OF AUTHORITIES AND SKELETON ARGUMENTS IN SUPPORT OF SUMMONS FOR AN ORDER FOR DETERMINATION OF QUESTIONS ON A POINT OF LAW

IF IT MAY PLEASE THIS HONOURABLE COURT, hereunder are the List of Authorities and Skeleton Arguments in support of the Summons for an Order for Determination of Questions on a Point of Law.

1.0 LIST OF AUTHORITIES

1.1 LEGISLATION

1.1.1 The Constitution of Zambia Act No. 2 of 2026

1.1.2 The High Court (Election Petition) Rules, 2026.

1.1.3 The High Court Act Cap 27 of the Laws of Zambia

1.1.4 The Electoral Process Act

1.1.5 The Electoral Commission of Zambia Act, 2016

1.1.6 Rules of the Supreme Court of England (Whitebook) 1999 Edition

1.2 CASE LAW

1.2.1 Nahar Investments Limited v Grindlays Bank International (Zambia) Limited [1984] Z.R. 81

1.2.2 Access Bank (Zambia) Limited v Group Five/ZCON Business Park Joint Venture [2016] ZMSC 24

1.2.3 The Attorney and The Labour Commissioner v Matildah Mwape Chilambwe (CAZ/08/259/2025) [2026] ZMCA 116

1.2.4 Guardall Security Limited V Renford Kabwe, Caz Appeal No. 44/2019

1.2.5 Attorney-General V Silleman [1864] 10 H.L.C. 704

1.2.6 Chola V Sinkala (15 of 2021) [2021] ZMLGEL 3

1.2.7 Chilombo V Hamaleke (Appeal 2 of 2016) [2018] ZMCC 1

1.2.8 Minister of Information and Broadcasting Services & Another V Chembo & Others (2007) Z.R. 82

2.0 BACKGROUND

2.1 The Petitioner commenced these proceedings by filing an election petition challenging the election of the 1st Respondent as Member of Parliament for Bangweulu Constituency following the parliamentary election held on 13th August, 2026.

2.2 The 1st Respondent has raised preliminary questions of law concerning, principally, the failure by the Petitioner to comply with the mandatory requirements governing the timeframe within which to file the election petition. And the inclusion of the 2nd Respondent to the proceeding.

3.0 ARGUMENTS

3.1 The application raises the following questions for determination by this Honourable Court:

3.1.1 Whether this Honourable Court has jurisdiction to hear and determine this election petition where the petition was presented after the expiry of the mandatory fourteen-day period prescribed by Section 100(3) of the Electoral Process Act No. 35 of 2016

3.1.2 Whether Rule 24 of the High Court (Election Petition) Rules, 2026, read together with Section 22 of the Electoral Commission of Zambia Act, 2016, insofar as it permits the Electoral Commission of Zambia ("ECZ") to be cited as a respondent in an election petition, is ultra vires the Constitution and, and, if so, whether the ECZ may nevertheless properly be cited and sued in its own name as the 2nd Respondent herein.

3.2 We shall proceed to address the questions above in the order or manner in which they have been structured.

WHETHER THIS HONOURABLE COURT HAS JURISDICTION TO HEAR AND DETERMINE THIS ELECTION PETITION WHERE THE PETITION WAS PRESENTED AFTER THE EXPIRY OF THE MANDATORY FOURTEEN-DAY PERIOD PRESCRIBED BY SECTION 100(3) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

3.3 The law that governs filing of Election Petitions is SECTION 100(3) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016. The said Section provides that:

> ***"100. (1) An election petition shall be in such form as the Chief Justice may by rules prescribe.***
>
> ***(2) An election petition shall be presented—***
>
> ***(a) in the case of an election of a candidate as a Member of Parliament, to the Principal Registry or District Registry of the High Court by lodging it with the Registrar in accordance with this Act; or***
>
> ***(b) in the case of an election of a candidate as a mayor, council chairperson or councillor, to the appropriate tribunal by lodging it with the designated person.***
>
> ***(3) An election petition shall be signed by the petitioner or by all the petitioners, if more than one, and shall be presented not later than fourteen days after the date on which the result of the election to which it relates is duly declared.***
>
> ***(4) Where an election petition is presented under this Section—***
>
> ***(a) in the case of an election petition presented in respect of an election of a candidate as a Member of Parliament, the Registrar shall, in writing, inform the Speaker of the National Assembly and the Commission of such presentation; and***
>
> ***(b) in the case of an election petition presented in respect of the election of a candidate as a mayor, council chairperson or councillor, the designated person shall, in writing, inform the Commission of the presentation." (Emphasis Ours)***

3.4 The Courts have guided the manner in which statutory interpretation should be carried on. According to the case of MINISTER OF INFORMATION AND BROADCASTING SERVICES & ANOTHER V CHEMBO & OTHERS (2007) Z.R. 82, the Supreme Court held that where the words of a statute are precise and unambiguous, they should be given their natural meaning.

The Court further emphasized that courts should not introduce words or qualifications into legislation which Parliament has not enacted.

3.5 Accordingly, where the language of the statutory provision is clear, the Court ought to give effect to the words used by Parliament and should only resort to other rules of interpretation where the ordinary meaning gives rise to ambiguity or absurdity.

3.6 From the above, it is evident that Section 100(3) of the Electoral Process Act No. 35 of 2016, is clear and ordinary in meaning and it does not give rise to ambiguity or absurdity. The said provision provides for the period within which an election petition concerning an election must be presented. The provision requires an election petition to be presented not later than fourteen days after the date on which the result of the election to which it relates is duly declared.

3.7 We humbly submit that the requirement as to time is mandatory. The Courts have consistently treated compliance with the statutory period for presenting an election petition as a matter going to the competence and jurisdiction of the Court.

3.8 According to the case of **CHOLA V SINKALA (15 OF 2021) [2021] ZMLGEL 33**, the Local Government Elections Tribunal treated the fourteen-day period prescribed by Section 100(3) as mandatory and jurisdictional, holding that a petition presented outside the prescribed period was incompetent and that the Court had no jurisdiction to entertain it. The decision further recognized that Section 100(3) operates in the nature of a statutory limitation provision.

3.9 Further to the above, in **CHILOMBO V HAMALEKE (APPEAL 2 OF 2016) [2018] ZMCC 1**, the Constitutional Court emphasized the importance of determining preliminary questions concerning compliance with Section 100(3) before proceeding with the substantive matter.

3.10 The 1st Respondent therefore submits that the question of compliance with the statutory filing period is properly capable of determination as a preliminary question of law.

3.11 Notwithstanding the above, it is common ground, on the facts presently before this Court, that the election was held on 13th August, 2026 and that the results were declared on 16th August, 2026. It is further the 1st Respondent's position that the Petition was filed on 31st August, 2026.

3.12 We humbly submit that computation of the statutory period must be undertaken in accordance with the applicable provisions governing computation of time. The Constitution of Zambia Act No. 2 of 2016, The Constitution of Zambia Act No. 13 of 2025, Electoral Process Act No. 35 of 2016, Electoral Process Act No. 12 of 2026, and the High Court (Election Petition) Rules, 2026 are silent as to computation of time for election petition of members of parliament.

3.13 In the case in casu, we humbly submit that the Petitioner having filed the Petition herein on the 31st August, 2026, having in mind that the Election results were announced on the 16th day of August, 2026, falls outside the fourteen-day period prescribed by Section 100(3) of the Electoral Process Act No. 35 of 2016.

3.14 The Courts have had occasion to pronounce themselves on the subject matter of non-compliance with rules and the law. According to the case of **NAHAR INVESTMENTS LIMITED v GRINDLAYS BANK INTERNATIONAL (ZAMBIA) LIMITED [1984] ZMSC 1 (12 March 1984)**, the Supreme Court held that:

> ***"We wish to remind appellants that it is their duty to lodge records of appeal within the period allowed, including any extended period. If difficulties are encountered which are beyond their means to control (such as the non-availability of the notes of proceedings which it is the responsibility of the High Court to furnish), appellants have a duty to make prompt application to the court for enlargement of time. Litigation must come to an end and it is highly undesirable that respondents should be kept in suspense because of dilatory conduct on the part of appellants. Indeed, as a general rule, appellants who sit back until there is an application to dismiss their appeal, before making their own frantic application for an extension, do so at their own peril. If the delay has been inordinate or if in the circumstances of any individual case, it appears that the delayed appeal has resulted in the respondent being unfairly prejudiced in the enjoyment of any judgment in his favour, or in any other manner, the dilatory appellant can expect the appeal to be dismissed for want of prosecution, notwithstanding that he has a valid and otherwise perfectly acceptable explanation. The applicant in this case had such an explanation, but the time to advance that explanation had long expired."***

3.15. Further to the above, in the case of ACCESS BANK (ZAMBIA) LIMITED v GROUP FIVE/ZCON BUSINESS PARK JOINT VENTURE [2016] SCZ 24, the Supreme Court held that:

> ***"Rules of procedure and timeliness serve to make the process of adjudication fair, just, certain and evenhanded. Under the guise of doing justice through hearing matters on their merits courts cannot aid in the bending or circumventing of these rules and shifting goal posts, for while laxity in application of the rules may seem to aid one side, it unfairly harms the innocent party who strives to abide by the rules."***

3.16. Lastly, in the case of GUARDALL SECURITY LIMITED V RENFORD KABWE, CAZ APPEAL NO. 44/2019, the Court of Appeal held that:

> ***"Failure to act within the set time limit robs the court of jurisdiction to take any further action in that matter. Whether the non-compliance was caused by the court or other parties is immaterial, as the cesser [cessation] of jurisdiction occurs by operation of law."***

3.17. From the above-cited cases, it is evident that breach of procedural rules that give timeframes within which certain acts are required to be carried out is fatal.

3.18. The 1st Respondent accordingly submits that this Court has no jurisdiction to hear and determine an election petition filed outside the prescribed 14 days and should accordingly dismiss the same with costs.

WHETHER RULE 24 OF THE HIGH COURT (ELECTION PETITION) RULES, 2026, READ TOGETHER WITH SECTION 22 OF THE ELECTORAL COMMISSION OF ZAMBIA ACT, 2016, INSOFAR AS IT PERMITS THE ELECTORAL COMMISSION OF ZAMBIA ("ECZ") TO BE CITED AS A RESPONDENT IN AN ELECTION PETITION, IS ULTRA VIRES THE CONSTITUTION, AND IF SO, WHETHER THE ECZ MAY NEVERTHELESS PROPERLY BE CITED AND SUED IN ITS OWN NAME AS THE 2ND RESPONDENT HEREIN.

3.19. The issue for determination concerns the citation of the Electoral Commission of Zambia as the 2nd Respondent. The Petition cites the Electoral Commission of Zambia as a respondent in these proceedings. The 1st Respondent respectfully submits that the question whether a particular

body may be sued in its own name is a question of legal capacity and not merely one of nomenclature.

3.20. The constitutional and statutory framework establishing a public body must, therefore, be examined to determine the nature of the legal personality conferred upon that body. Accordingly, ARTICLE 229 OF THE CONSTITUTION OF ZAMBIA ACT NO. 2 OF 2016 establishes the Electoral Commission of Zambia and prescribes its constitutional functions. The said provision provides that:

> ***"229. (1) There is established the Electoral Commission of Zambia which shall have offices in Provinces and progressively in districts.***
>
> ***(2) The Electoral Commission shall—***
>
> ***(a) implement the electoral process;***
>
> ***(b) conduct elections and referenda;***
>
> ***(c) register voters;***
>
> ***(d) settle minor electoral disputes, as prescribed;***
>
> ***(e) regulate the conduct of voters and candidates;***
>
> ***(f) accredit observers and election agents, as prescribed;***
>
> ***(g) delimit electoral boundaries; and***
>
> ***(h) perform such other functions as prescribed."***

3.21. From the above, it is evident that Article 229 is significant because the 2nd Respondent is not merely an ordinary statutory corporation created by an Act of Parliament. It is a body established directly by the Constitution and entrusted with constitutionally prescribed electoral functions.

3.22. We further submit that the constitutional character of the 2nd Respondent therefore requires any legislation regulating its legal status, powers and functions to be construed consistently with Article 229. Parliament may legislate to give effect to the constitutional establishment of the Commission, but ordinary legislation cannot be interpreted as altering, enlarging or undermining the constitutional scheme.

3.23. As can be discerned also, the 2nd Respondent is established by the Constitution of Zambia and, in its establishment, the 2nd Respondent is not a body corporate capable of suing and being

sued. Had the drafters of the Constitution of Zambia contemplated the 2nd Respondent to be a body corporate capable of suing and being sued, it would, in its establishment, have stated so.

3.24. The question therefore arises whether the general provision contained in Section 22 of the Electoral Commission of Zambia Act, 2016 can properly be construed as conferring upon the ECZ an unrestricted capacity to be cited as a respondent in an election petition.

SECTION 22 OF THE ELECTORAL COMMISSION OF ZAMBIA ACT

3.25. SECTION 22 OF THE ELECTORAL COMMISSION ACT, 2016, provides that:

> ***"22. Legal proceedings***
>
> ***(1) Any legal proceedings or application of the Electoral Commission pending immediately before the commencement of this Act by or against the Electoral Commission may be continued by or against the Commission.***
>
> ***(2) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the Electoral Commission may be instituted by or against the Commission."***

3.26. From the above, it can be discerned that Section 22(1) is plainly transitional in nature. Its purpose is to preserve proceedings pending at the commencement of the Act and to ensure that such proceedings may continue by or against the Commission. Further, Section 22(2), on its face, recognizes that proceedings concerning a right, liability or obligation vested in, held, enjoyed, incurred or suffered by the Commission may be instituted by or against the Commission.

3.27. The 1st Respondent does not dispute that Section 22 confers or recognises a general capacity upon the ECZ to be a party to legal proceedings in appropriate circumstances. The submission, however, is that Section 22 cannot be read in isolation or as conferring an unrestricted right to cite the ECZ as a respondent in every form of proceeding. In particular, Section 22 does not expressly provide that the ECZ shall be a respondent in an election petition. Nor does it identify election petitions as a class of proceedings in which the Commission may necessarily be cited as a respondent.

3.28. The words "right, liability or obligation" in Section 22(2) must therefore be given meaning within the constitutional framework governing the Commission. The provision cannot properly be

construed as a freestanding source of jurisdiction permitting the ECZ to be made a respondent in proceedings in circumstances not otherwise authorized by the Constitution.

RULE 24 AND THE RULE-MAKING POWER

3.29. Rule 24 of the High Court (Election Petition) Rules, 2026 provides that the Commission may be cited by a petitioner as a respondent in a nomination petition or election petition.

3.30. The Rules were made pursuant to **SECTION 102 OF THE ELECTORAL PROCESS ACT, 2016**. Section 102 provides, in material part, that:

> ***"Subject to the other provisions of this Act, the Chief Justice may make rules regulating generally the practice and procedure of the High Court and tribunals with respect to the presentation and trial of election petitions..."***

3.31. The language of Section 102 is important. The power delegated to the Chief Justice is a power to regulate practice and procedure relating to the presentation and trial of election petitions. The power is expressly made subject to the other provisions of the Electoral Process Act.

3.32. The 1st Respondent accordingly submits that Section 102 does not confer an unlimited power to create substantive legal rights, liabilities or legal personality. A rule made under Section 102 must remain within the scope of the power delegated by Parliament.

3.33. The distinction between substantive law and procedural rules is material. A procedural rule may regulate the manner in which an existing right or cause of action is brought before the Court. It cannot, in the absence of statutory authority, create a substantive right to sue a person or body where that right does not otherwise exist.

3.34. This principle is illustrated by **ATTORNEY-GENERAL V SILLEM [1864] 10 H.L.C. 704**, where rules made under statutory authority to regulate the practice and procedure of a court were held not to extend to conferring a substantive right of appeal which the enabling legislation had not authorised. The principle arising from that decision is that delegated legislation cannot travel beyond the substance of the authority conferred by the parent legislation.

THE CONSTITUTIONAL LIMITATION

3.35. The 1st Respondent respectfully submits that the starting point in determining the legal status and capacity of the 2nd Respondent ("ECZ") is Article 229 of the Constitution, and not Section 22 of the Electoral Commission of Zambia Act, 2016 or Rule 24 of the High Court (Election Petition) Rules, 2026.

3.36. Article 229 establishes the ECZ as a constitutional public body and expressly sets out its constitutional functions. Significantly, in establishing the Commission, the Constitution does not confer upon it the status of a body corporate, nor does it expressly provide that the Commission shall have the capacity to sue or be sued in its own name.

3.37. The 1st Respondent submits that this omission is legally significant. Where the Constitution itself establishes an institution and prescribes its constitutional character, powers and functions, its legal status must be ascertained from the constitutional instrument establishing it. An ordinary Act of Parliament cannot, by implication or otherwise, alter or enlarge that constitutional status in a manner inconsistent with the Constitution.

3.38. It follows that the ECZ, as established under Article 229, is a constitutionally established public body. The Constitution does not establish it as a body corporate or confer upon it an express juridical personality separate from the constitutional office and institution established by Article 229.

3.39. Against that constitutional position, Section 22 of the Electoral Commission of Zambia Act, 2016 purports to provide that proceedings concerning rights, liabilities or obligations of the Commission may be instituted "by or against the Commission". To the extent that Section 22 is construed as conferring upon the ECZ a corporate or juridical capacity to sue and be sued in its own name, the provision purports to confer a legal status which was not conferred upon the Commission by Article 229.

3.40. The 1st Respondent accordingly submits that Section 22 cannot be used to supplement or amend the constitutional establishment of the ECZ. Parliament cannot, through ordinary legislation, confer upon a constitutional institution a legal status inconsistent with the manner in which that institution was established by the Constitution.

3.41. The same reasoning applies with greater force to Rule 24 of the High Court (Election Petition) Rules, 2026. Rule 24 purports to permit the ECZ to be cited as a respondent in a nomination petition or election petition. In substance, the Rule assumes and gives effect to a capacity of the Commission to be sued in its own name.

3.42. However, Rule 24 is subsidiary legislation made pursuant to Section 102 of the Electoral Process Act. It cannot confer upon the ECZ a constitutional or corporate status which the Constitution itself has not conferred. Subsidiary legislation must remain within the limits of the enabling Act and, above all, must conform to the Constitution.

3.43. The effect of Section 22 and Rule 24, if interpreted as conferring upon the ECZ an independent juridical personality and an unrestricted capacity to sue and be sued in its own name, is therefore to alter the legal character of a body established by Article 229. Such an interpretation is inconsistent with the constitutional scheme and cannot be sustained.

3.44. The 1st Respondent accordingly submits that Section 22 of the Electoral Commission of Zambia Act, 2016 and Rule 24 of the High Court (Election Petition) Rules, 2026 are unconstitutional and ultra vires to the extent that they purport to confer upon the ECZ a corporate or juridical capacity to sue and be sued in its own name which is not conferred by Article 229 of the Constitution.

3.45. The fact that Section 22 uses the words "by or against the Commission" cannot, of itself, cure the constitutional defect. Parliament cannot confer by ordinary legislation that which the Constitution, in establishing the Commission, did not confer. Likewise, the Chief Justice, exercising delegated rule-making authority under Section 102 of the Electoral Process Act, cannot confer such status through subsidiary legislation.

3.46. The 1st Respondent therefore respectfully submits that the constitutional status of the ECZ must prevail over the inconsistent statutory and subsidiary provisions. The ECZ cannot properly be cited and sued in its own name as the 2nd Respondent in these proceedings on the strength of Section 22 or Rule 24 where such capacity is inconsistent with its constitutional establishment under Article 229.

CONCLUSION

3.47. The 1st Respondent accordingly prays that the questions set out in the Summons be determined in favour of the 1st Respondent.

3.48. The 1st Respondent accordingly prays that costs be awarded in his favour.

Dated at Lusaka this _____ day of _____ 2026.

Drawn by: _____

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CO-ADVOCATES FOR THE 1ST RESPONDENT

AND

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ADVOCATES FOR THE 1ST RESPONDENT

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2026/HP/EP/003

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ANTHONY KASANDWE (MALE) — PETITIONER

AND

HAPPY MAMPA (MALE) — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

LIST OF AUTHORITIES AND SKELETON ARGUMENTS IN SUPPORT OF SUMMONS FOR AN ORDER FOR DETERMINATION OF QUESTIONS ON A POINT OF LAW

Per: _____

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CO-ADVOCATES FOR THE 1ST RESPONDENT

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ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
14 SEP 2026
PRINCIPAL REGISTRY 4
P.O. BOX 30067, LUSAKA

AFFIDAVIT IN SUPPORT OF SUMMONS FOR AN ORDER FOR DETERMINATION OF QUESTION ON A POINT OF LAW

I, **HAPPY MAMPA**, a Zambian National ordinarily resident at Mwamfuli Village in the Samfya District of the Luapula Province of the Republic of Zambia do hereby make **OATH** and **SAY** as follows:

1. That my particulars are as stated above.

2. That I am the 1st Respondent herein and, by virtue thereof, I am competent to depose to this Affidavit on matters within my personal knowledge, information and belief.

3. That I was a candidate in the Bangweulu Constituency Parliamentary Elections held on Thursday, 13th August, 2026, and am the 1st Respondent in the Election Petition herein.

4. That following the said elections, I became aware that the Petitioner, **Reuben Chama**, commenced the Election Petition herein under Cause No. **2026/HP/EP/030**, challenging the election relating to the Bangweulu Constituency.

5. That the said Election Petition was filed on or about the 31st day of August, 2026, notwithstanding that the results of the said election were announced on the 16th day of August, 2026.

6. That it is my understanding that the Petition was therefore filed outside the period within which an election petition may be presented.

7. That further, I am aware that the Electoral Commission of Zambia ("ECZ") has been cited as the 2nd Respondent in the Election Petition herein.

8. That I have accordingly instructed my Advocates to seek a determination by this Honourable Court regarding the status and capacity of the 2nd Respondent as a party to these proceedings.

9. That the foregoing submission is premised on the fact that ECZ, upon its establishment, was not constituted as a body corporate.

10. That what is deposed to herein is true to the best of my knowledge, information and belief, save where otherwise stated.

Sworn by the said)
HAPPY MAMPA)
At Lusaka this 12th)
Day of SEPT 2026)

DEPONENT

MOSES PHIRI
Advocate
of the High Court for Zambia
Commissioner for Oaths

BEFORE ME: _____
COMMISSIONER FOR OATHS